

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR AN ORDER AUTHORIZING THE
TRACKING OF CELLULAR TELEPHONE
(417) 496-0575, INCLUDING CELL SITE,
TRIANGULATION, AND GPS

No. 17-SW-2014DPR

(UNDER SEAL)

**GOVERNMENT'S FIRST EX PARTE
MOTION TO POSTPONE SERVICE OF NOTICE**

The United States of America, by and through the undersigned attorneys, respectfully moves this Court for an order postponing service of notice of its use of a tracking device for a period of 90 days from April 2, 2017, to July 1, 2017, as provided for in Fed. R. Crim. Proc. 41(f)(3) and 18 U.S.C. § 3103a(c). In support of its request, the Government states the following:

1. This Court issued an order on February 1, 2017, pursuant to 18 U.S.C. § 3117 and Rule 41, directing Sprint Corporation to assist the United States Drug Enforcement Administration (DEA) in monitoring the physical location of a cellular telephone, with number (417) 496-0575 (hereinafter "Target Telephone"), using any means, including but not limited to, cell site/sector location; information regarding strength, angle, and timing of the caller's signal measured at two or more cell sites (triangulation); and location transmissions from any factory-installed Global Positioning System ("GPS") Mobile Tracking Device already present in the phone.

2. On March 3, 2017, the tracking of the Target Telephone was terminated.

3. Rule 41(f)(2)(C) requires within 10 days from when tracking ceases, the officer executing the tracking-device warrant serve on the person who was tracked or whose property was tracked a copy of the warrant or court order. However, in the original warrant, this Court granted an extension of time to conduct service for a 30-day period. That period will end on April 2, 2017. Pursuant to Rule 41(f)(3) and 3103a(c), the Court is authorized to delay the

service for a period, not to exceed 90 days, unless the facts of the case justify a further extension. The Government has not previously requested any postponements of the service requirement.

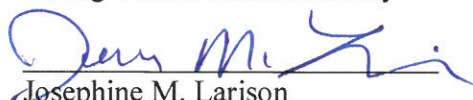
4. Although the tracking has terminated, the investigation of the illegal activities of the subjects of the investigation, and others known and yet unknown, is continuing by special agents and task force officers of the DEA. Conducting service regarding the tracking device use in the investigation would hamper the ongoing investigation and alert the individual and others to the existence of the investigation.

5. As a result of the ongoing nature of this federal investigation, the Government respectfully requests a postponement of the notification and service deadlines in the above-listed matter, for a period of 90 days, from April 2, 2017, to July 1, 2017. Conducting notification and service while the targets remain under active investigation would result in adverse effects, as described in 18 U.S.C. § 2705(a)(2), including: endangering the life or physical safety of an individual, flight from prosecution, destruction of or tampering with evidence, and otherwise seriously jeopardizing the investigation.

WHEREFORE, the Government, having made this showing of good cause of further investigation, requests an Order from this Court postponing the delivery of the service notification for a period of 90 days, from April 2, 2017, to July 1, 2017.

Respectfully submitted,
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By


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